

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ERVIN YAZZIE,

Defendant.

CRIMINAL NO. 19-CR-02320-MV

Count 1: 18 U.S.C. §§ 1153 and 1111:
Second Degree Murder;

Count 2: 18 U.S.C. §§ 1153 and 1201(c):
Conspiracy to Commit Kidnapping.

The United States Attorney charges:

Count 1

On or about June 7, 2018, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **ERVIN YAZZIE**, an Indian, unlawfully killed John Doe with malice aforethought.

In violation of 18 U.S.C. §§ 1153 and 1111.

Count 2

On or about June 7, 2018, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendants, **DARRELL DESIDERIO** and **ERVIN YAZZIE**, Indians, unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other to seize, confine, inveigle, decoy, kidnap, abduct, and carry away John Doe for some purpose and benefit, and John Doe's death resulted.

Overt Acts

In furtherance of the conspiracy, and to effect the object thereof, the following overt acts, among others, were committed in Indian Country, in the District of New Mexico:

Overt Act 1

On or about June 7, 2018, **DARRELL DESIDERIO** and **ERVIN YAZZIE** agreed to acquire a vehicle.

Overt Act 2

On or about June 7, 2018, **ERVIN YAZZIE** inveigled John Doe by telling him that **DARRELL DESIDERIO** could locate some females willing to party with John Doe.

Overt Act 3

On or about June 7, 2018, **DARRELL DESIDERIO** inveigled John Doe by instructing him to drive to a remote area to locate some females willing to party with John Doe.

Overt Act 4

On or about June 7, 2018, **DARRELL DESIDERIO** held a knife to John Doe's neck.

Overt Act 5

On or about June 7, 2018, **DARRELL DESIDERIO** instructed **ERVIN YAZZIE** to retrieve John Doe's keys.

Overt Act 6

On or about June 7, 2018, **ERVIN YAZZIE** warned John Doe not to resist.

Overt Act 7

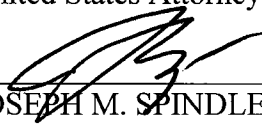
On or about June 7, 2018, **ERVIN YAZZIE** attempted to retrieve John Doe's keys.

Overt Act 8

On or about June 7, 2018, **DARRELL DESIDERIO** stabbed John Doe with a knife and beat John Doe with a golf club.

In violation of 18 U.S.C. §§ 1153 and 1201(c).

JOHN C. ANDERSON
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